

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

OKLAHOMA STATE DEPARTMENT)
OF EDUCATION, a political)
subdivision of the State of Oklahoma,)

Plaintiff,)

v.)

Case No. CIV-24-00459-JD

UNITED STATES OF AMERICA,)
et al.,)

Defendants.)

ORDER TO PLAINTIFF TO SHOW CAUSE

As explained below, Plaintiff is ORDERED to show cause in writing within fourteen (14) days of the date of this Order why service has not been timely made on Defendants United States of America, Miguel Cardona, United States Department of Education, Catherine Lhamon, and Randolph Wills. In the absence of such a showing, Plaintiff's complaint against Defendants may be dismissed without prejudice under Federal Rule of Civil Procedure 4(m).

Plaintiff filed this action on May 6, 2024. [Doc. No. 1]. Upon review of the docket, the Court sees no indication that summonses have been issued or that any of Defendants have been served with a summons and a copy of Plaintiff's complaint.

Federal Rule of Civil Procedure 4(m) states in relevant part: "If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows

good cause for the failure, the court must extend the time for service for an appropriate period.” To the extent Defendants have been served or have waived service, Federal Rule of Civil Procedure 4 requires the filing of either (1) proof of service or (2) waiver of service. Plaintiff has filed neither.

Because there is no indication in the record that service has been obtained on Defendants, Plaintiff is ORDERED to show cause in writing within fourteen (14) days of the date of this Order why service has not been timely made upon Defendants. In lieu of filing a response to this show cause order, within fourteen (14) days, Plaintiff may file a written proof of service or waiver of service for Defendants, or may file a stipulation of voluntary dismissal as to Defendants that complies with Federal Rule of Civil Procedure 41. Otherwise, in the absence of a showing or other filing by Plaintiff, the Court may dismiss this action without prejudice.

IT IS SO ORDERED this 6th day of August 2024.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", is written over a horizontal line.

JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE